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H. R. 1534

To require States to ensure the quality of private security services, and the competence of private security officer personnel, as a condition of eligibility to receive funds under title II of the Juvenile Justice and Delinquency Prevention Act of 1974.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 1993

Mr. MARTINEZ (for himself and Mr. OWENS) introduced the following bill;
which was referred to the Committee on Education and Labor

MARCH 30, 1994

Additional sponsors: Mr. TOWNS, Mr. FILNER, Mr. BILBRAY, Ms. PELOSI, Ms. KAPTUR, Mr. FOGLIETTA, Mrs. UNSOELD, Mr. HOAGLAND, Mr. DELLUMS, Mr. ANDREWS of New Jersey, Mr. WISE, Mrs. BYRNE, Mr. GILMAN, Mrs. ROUKEMA, Mr. JACOBS, Mr. DE LUGO, Mr. MURPHY, Mr. BERMAN, Mr. OBERSTAR, Mr. APPELEGATE, Mr. MINETA, Mr. SCOTT, Mr. FROST, Ms. FURSE, Mr. ROMERO-BARCELÓ, Mr. NADLER, Mr. DIXON, and Mr. BOEHLERT

A BILL

To require States to ensure the quality of private security services, and the competence of private security officer personnel, as a condition of eligibility to receive funds under title II of the Juvenile Justice and Delinquency Prevention Act of 1974.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Private Security Offi-
3 cers Quality Assurance Act of 1993”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Employment of private security officers in
7 the United States is growing rapidly.

8 (2) The private security industry provides nu-
9 merous opportunities for entry-level job applicants,
10 including employees suffering from unemployment
11 due to economic conditions or dislocations.

12 (3) The American public is more likely to have
13 contact with private security officers in the course of
14 a day than with law enforcement officers.

15 (4) Juveniles in the United States, including
16 those at risk of delinquency, are most likely to have
17 their earliest contact with private security officers
18 because of the significant presence of such officers
19 in schools, shopping malls, and retail establishments.

20 (5) The American public demands the employ-
21 ment of qualified, well-trained private security offi-
22 cers.

23 (6) Employers should be required to screen the
24 qualifications of applicants for employment as pri-
25 vate security officers.

1 (7) Employers should be required to provide
2 training to employees newly assigned to duty as pri-
3 vate security officers, and refresher training to em-
4 ployees with experience in providing security serv-
5 ices.

6 (8) State requirements, if any, for screening
7 and training private security officers vary widely.

8 (9) Public safety would be improved if all em-
9 ployers of private security officers provided appro-
10 prium screening and training of such officers.

11 (10) States should enact laws, or issue rules,
12 imposing minimum standards that are uniform na-
13 tionwide for the screening and training of private se-
14 curity officers.

15 (11) State law applicable to private security of-
16 ficers should apply to all security personnel, whether
17 employed by security contractors or other employers.

18 **SEC. 3. DEFINITIONS.**

19 As used in this Act:

20 (1) The term “employee” includes an applicant
21 for employment.

22 (2) The term “felony” means an offense for
23 which a term of imprisonment exceeding 1 year may
24 be imposed.

1 (3) The term “misdemeanor” means an offense
2 for which a maximum term of imprisonment of 1
3 year or less may be imposed.

4 (4) The term “person” shall have the meaning
5 given it in section 1 of title 1 of the United States
6 Code.

7 (5) The term “private security officer”
8 means—

9 (A) an individual (other than an individual
10 while on active duty as a member of the mili-
11 tary service or while performing official duties
12 as a law enforcement officer) who performs se-
13 curity services for consideration as an independ-
14 ent contractor or an employee, whether armed
15 or unarmed, full time or part time, and in uni-
16 form or plain clothes, or

17 (B) an individual who is the immediate su-
18 pervisor of an individual described in subpara-
19 graph (A).

20 (6) The term “proprietary security manager”
21 means an individual employed by a person (other
22 than a security contractor) whose responsibilities in-
23 clude implementing security services provided by
24 other employees.

1 (7) The term “registration permit” means a li-
2 cense, permit, certificate, registration card, or other
3 formal written permission, to provide security serv-
4 ices.

5 (8) The term “security contractor” means any
6 person that provides, for consideration, the services
7 of one or more private security officers (including
8 oneself).

9 (9) The term “security services” means the per-
10 formance of one or more of the following:

11 (A) The observation and reporting of in-
12 trusion, larceny, vandalism, fire, or trespass.

13 (B) The prevention of theft or misappro-
14 priation of any goods, money, or other item of
15 value.

16 (C) The observation or reporting of any
17 unlawful activity.

18 (D) The protection of individuals or prop-
19 erty, including proprietary information, from
20 harm or misappropriation.

21 (E) The control of access to premises
22 being protected.

23 (F) The secure movement of prisoners.

1 (G) The maintenance of order and safety
2 at athletic, entertainment, or other public ac-
3 tivities.

4 (H) Providing canine services for guarding
5 premises or for the detection of any unlawful
6 device or substance.

7 (10) The term “State” means any of the sev-
8 eral States or the District of Columbia.

9 (11) The term “State regulatory agency”
10 means an appropriate State regulatory entity.

11 **SEC. 4. INELIGIBILITY FOR FUNDING.**

12 (a) CONDITIONS OF ELIGIBILITY.—For each fiscal
13 year beginning after January 1, 1995, a State shall be
14 ineligible to receive funds under title II of the Juvenile
15 Justice and Delinquency Prevention Act of 1974 (42
16 U.S.C. 5611–5676) unless such State has in effect
17 throughout such fiscal year a program that—

18 (1) satisfies the requirements of sections 5
19 through 13, and

20 (2) preempts the ordinances, rules, and other
21 laws of the political subdivisions of such State to the
22 extent that such ordinances, rules, or other laws reg-
23 ulate private security services provided by security
24 officers.

1 (b) CERTIFICATION.—For the purpose of dem-
 2 onstrating compliance with subsection (a), a State shall
 3 include in the annual performance report required by sec-
 4 tion 223(a) of the Juvenile Justice and Delinquency Pre-
 5 vention Act of 1974 (42 U.S.C. 5651(a)) a certification
 6 that such State satisfies the requirements of sections 5
 7 through 13.

8 **SEC. 5. ISSUANCE OF STATE LICENSES TO SECURITY CON-**
 9 **TRACTORS AND PROPRIETARY SECURITY**
 10 **MANAGERS; REGULATION OF PRIVATE SECU-**
 11 **RITY SERVICES.**

12 (a) REQUIREMENTS.—A State shall have in effect re-
 13 quirements and procedures for issuing licenses to, and re-
 14 viewing security services of, employers (including security
 15 contractors) and of proprietary security managers.

16 (b) LIMITATION ON FEES FOR ISSUANCE OF LI-
 17 CENSES.—A State may not impose on security contractors
 18 or proprietary security managers a license issuance fee in
 19 excess of the prorated direct costs of administering the
 20 requirements and procedures described in subsection (a).

21 (c) ASSIGNMENT OF PRIVATE SECURITY OFFI-
 22 CERS.—(1) Except as provided in paragraphs (2) and (3),
 23 and subject to section 9, the requirements and procedures
 24 described in subsection (a) shall provide, at a minimum,
 25 that an employer or proprietary security manager may not

1 permanently assign an employee to duty as a private secu-
2 rity officer until such employee obtains a security officer's
3 registration permit as provided in section 8(a).

4 (2) An employer may assign an employee to duty as
5 an unarmed private security officer pending the results of
6 the preassignment check of records described in section
7 6(a)(3) and the issuance of such permit if, before the as-
8 signment—

9 (A) such employer—

10 (i) submitted an application as required by
11 section 6(a)(1), and

12 (ii) verified the employee's personal ref-
13 erences and the 5-year employment history as
14 required by section 6(a)(2), and

15 (B) such employee completed the classroom
16 training required by section 7(a)(1).

17 (3) If an individual is employed by an employer in
18 a State with respect to which such individual holds a valid
19 private security officer's registration permit, then such
20 employer may assign such individual to duty as a private
21 security officer (including an armed private security offi-
22 cer) for a period not to exceed 90 days in a State with
23 respect to which such individual does not hold a valid pri-
24 vate security officer's registration permit.

1 **SEC. 6. PREASSIGNMENT SCREENING.**

2 (a) PREASSIGNMENT REQUIREMENTS.—Each State
3 shall have in effect a program for issuing registration per-
4 mits to private security officers that requires at a mini-
5 mum, and except as provided in section 5(c) and subject
6 to section 9, that an employer not permanently assign an
7 employee to duty as a private security officer until such
8 employer submits to the State regulatory agency all of the
9 following:

10 (1) The employee's application for employment,
11 including a history of employment and military serv-
12 ice, personal references, and a description of such
13 employee's criminal history.

14 (2) A certification that such employer verified—

15 (A) such employee's employment history
16 for the 5-year period ending on the date of ap-
17 plication for employment, and

18 (B) such personal references.

19 (3) The results of a check of records, obtained
20 at the request of such employer, through the Na-
21 tional Crime Information Center and fingerprint
22 records on file with the Federal Bureau of Investiga-
23 tion.

24 (b) EXEMPTION—Section 552a(b) of title 5, United
25 States Code, shall not apply with respect to the disclosure
26 of the records described in subsection (a)(3) relating to

1 employment by such employer if such employer certifies
2 to the Attorney General of the United States that such
3 disclosure is requested for the purpose of permanently as-
4 signing an employee to duty as a private security officer.

5 (c) ISSUANCE OF RULES BY THE ATTORNEY GEN-
6 ERAL.—The Attorney General shall issue rules—

7 (1) establishing procedures for the disclosure of
8 records requested by employers for the purpose of
9 complying with subsection (a)(3), and

10 (2) requiring such employers to pay to the dis-
11 closing agency a fee that represents the actual cost
12 of disclosing such records.

13 **SEC. 7. PRIVATE SECURITY OFFICER TRAINING.**

14 (a) TRAINING.—Each State shall have in effect train-
15 ing requirements for private security officers that consists
16 of the following, at a minimum:

17 (1) For unarmed private security officers, the
18 following:

19 (A) Eight hours of basic classroom instruc-
20 tion, successful completion of a written exam-
21 ination, and 4 hours of on-the-job training.

22 (B) Such classroom instruction shall in-
23 clude the following:

24 (i) The legal powers and limitations of
25 a private security officer, including instruc-

tion in the law of arrest, search, and seizure, and the use of force as related to security services.

(ii) Safety and fire detection and reporting.

(iii) When and how to notify public authorities.

(iv) The techniques of observation and reporting of incidents and how to prepare an incident report.

(v) The fundamentals of patrolling.

(vi) Deportment and ethics.

(2) For armed private security officers, in addition to the training required by paragraph (1), the following:

(A) Fifteen hours of weapons instruction (including marksmanship described in subparagraph (B)) and successful completion of a written examination on—

(i) the legal limitations on the use of weapons,

(ii) weapons handling, and

(iii) safety and maintenance.

(B) A minimum marksmanship qualification of 70 percent attained on any silhouette

1 target course approved by the State regulatory
2 agency.

3 (b) ANNUAL TRAINING.—Each State shall have in ef-
4 fect requirements, at a minimum, that—

5 (1) unarmed private security officers complete
6 annually a 4-hour refresher course in the subjects
7 listed in clauses (i) through (vi) of subsection
8 (a)(1)(B), and

9 (2) armed private security officers annually, in
10 addition to satisfying the requirement described in
11 paragraph (1)—

12 (i) complete a refresher course in the sub-
13 jects listed in clauses (i) through (iii) of sub-
14 section (a)(2)(A), and

15 (ii) be requalified in the use of weapons as
16 described in subsection (a)(2)(B).

17 (c) CERTIFICATION.—Each State shall have in effect
18 requirements that a private security officer, or such offi-
19 cer's employer (if any), certify to the State regulatory
20 agency completion of the training required by subsections
21 (a) and (b).

22 (d) INSTRUCTIONAL AND RANGE-TRAINING PRO-
23 GRAM.—Each State shall have in effect a program that
24 requires that all instruction and range training required
25 by this section be administered by an instructor whose

1 qualifications meet standards established by the State reg-
2 ulatory agency.

3 **SEC. 8. STATE ISSUANCE OF REGISTRATION PERMITS TO**
4 **PRIVATE SECURITY OFFICERS.**

5 (a) REQUIREMENTS FOR ISSUANCE OF REGISTRA-
6 TION PERMITS.—A State shall have in effect requirements
7 for issuing and renewing, upon application, a private secu-
8 rity officer's registration permit for a 2-year period. Such
9 requirements shall include—

10 (1) methods for a private security officer, or
11 such officer's employer (if any), to certify completion
12 of the requirements in effect to comply with sections
13 6 and 7,

14 (2) a requirement that the certification required
15 by section 7(c) be included in the application for the
16 issuance or renewal of such permit, and

17 (3) a requirement that an individual not be is-
18 sued a private security officer's registration permit,
19 or assigned by an employer to duty, as a private se-
20 curity officer if, within the 10-year period ending on
21 the date of application for such permit or the date
22 of such assignment, as the case may be, such indi-
23 vidual was—

24 (A) convicted of a felony,

1 (B) incarcerated, placed on probation, or
2 paroled as a result of conviction of a felony, or

3 (C) convicted of a misdemeanor that, in
4 the discretion of the State regulatory agency,
5 bears such a relationship to the performance of
6 security services as to constitute a disqualifica-
7 tion for a private security officer's registration
8 permit.

9 (b) LIMITATION ON FEES FOR ISSUANCE OF REG-
10 ISTRATION PERMITS.—A State may not impose on private
11 security officers a registration permit issuance fee in ex-
12 cess of the prorated direct costs of administering the re-
13 quirements described in subsection (a).

14 (c) DENIAL OF REGISTRATION PERMIT.—If a State
15 denies, for any reason, an application for the issuance or
16 renewal of a private security officer's registration permit,
17 then, not later than 10 days after denial of such applica-
18 tion, the State regulatory agency shall give written notice
19 to the applicant and the applicant's employer (if any)
20 specifying the reasons for denial.

21 **SEC. 9. WAIVER.**

22 On the request of an employer, a State shall waive
23 the preassignment screening requirements described in
24 section 6(a), and the training requirements described in
25 section 7(a), with respect to a private security officer if—

1 (1) such officer holds a valid security officer's
2 registration permit issued or renewed by the State in
3 which such officer will perform security services for
4 such employer, and

5 (2) the immediately preceding employer of such
6 officer satisfied all such requirements with respect to
7 the most recent application for the issuance or re-
8 newal of such permit.

9 **SEC. 10. GRACE PERIOD FOR ISSUANCE OF NEW REGISTRA-**
10 **TION PERMITS TO PRIVATE SECURITY OFFI-**
11 **CERS WHO HOLD CURRENT PERMITS.**

12 Until—

13 (1) January 1, 1997, or

14 (2) the expiration of the 2-year period begin-
15 ning on the date a State initially puts into effect a
16 program that satisfies the requirements of sections
17 6, 7, and 8,

18 whichever is later, such sections shall not apply with re-
19 spect to the issuance of a registration permit to a private
20 security officer who holds a private security officer's reg-
21 istration permit that is valid without regard to the oper-
22 ation of this Act.

23 **SEC. 11. EMPLOYEE PROTECTION.**

24 A State shall have in effect a law that makes invalid
25 and unenforceable any limitation imposed by an employer

1 on the right of an employee to seek or obtain subsequent
2 employment as a private security officer after voluntary
3 or involuntary termination of employment by such em-
4 ployer.

5 **SEC. 12. NOTICE OF CRIMINAL CHARGE.**

6 A State shall have in effect requirements regarding
7 criminal charges made against a private security officer,
8 including the following, at a minimum:

9 (1) If a private security officer is charged with
10 a felony or misdemeanor, such officer shall notify
11 such officer's employer (if any) not later than 48
12 hours after the charge is made.

13 (2) An employer who has knowledge that its
14 employee has been so charged shall report the fact
15 of such charge to the State regulatory agency not
16 later than 2 business days after acquiring such
17 knowledge.

18 (3) The registration permit of such officer may
19 be suspended by such agency pending disposition of
20 the charge.

21 (4) Upon conviction of a felony, the State shall
22 revoke the registration permit of such officer.

23 (5) Upon conviction of such misdemeanor, such
24 State may revoke such permit.

1 **SEC. 13. PENALTIES.**

2 A State shall have in effect a law that authorizes the
3 imposition of a penalty for each violation of the require-
4 ment imposed by the State to satisfy a condition of eligi-
5 bility specified in section 4(a), including the following, at
6 a minimum:

7 (1) After notice, and a public hearing if re-
8 quested by an employer or a proprietary security
9 manager charged with such violation, a daily mone-
10 tary penalty for each day on which violation contin-
11 ues.

12 (2) If such violation continues after imposition
13 of a monetary penalty described in paragraph (1),
14 and after notice and a hearing described in such
15 paragraph, suspension or revocation of a registration
16 permit issued as described in section 5(a).

17 (3) Prosecution of an individual of a mis-
18 demeanor for submitting an application for employ-
19 ment as a private security officer, for the issuance
20 of a private security officer's registration permit, or
21 for renewal of such permit, if such individual know-
22 ingly included false information in such application.

23 (4) After notice, and a public hearing if re-
24 quested by a private security officer, suspension or
25 revocation of such officer's registration permit issued
26 or renewed as a result of application if such officer

1 knowingly included false information in such appli-
2 cation.

3 (5) Administrative or judicial review of each
4 penalty imposed under paragraphs (1) through (4).

5 **SEC. 14. MORE STRINGENT REQUIREMENTS.**

6 This Act shall not preclude or limit the authority of
7 a State to establish or maintain requirements that are
8 more stringent than the requirements described in this
9 Act.

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